

AMENDED IN ASSEMBLY AUGUST 29, 2016

AMENDED IN ASSEMBLY AUGUST 19, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE MARCH 29, 2016

**SENATE BILL**

**No. 1379**

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**Introduced by Senator Mendoza**

February 19, 2016

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An act to ~~amend Section 130051 of the Public Utilities Code, relating to transportation.~~ *amend Section 87482.3 of the Education Code, relating to community colleges.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1379, as amended, Mendoza. ~~Los Angeles County Metropolitan Transportation Authority.~~ *Community colleges: part-time, temporary employees.*

*Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law requires that a person employed to teach adult or community college classes for not more than 67% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee and not a contract employee.*

*A.B. 1690 of the 2015–16 Regular Session would require community college districts without a collective bargaining agreement with part-time, temporary faculty in effect as of January 1, 2017, to, on or*

*after January 1, 2017, commence negotiations with the exclusive representatives for part-time, temporary faculty regarding certain terms and conditions.*

*This bill would instead, among other things, require that minimum standards be established for the terms of reemployment preference for part-time, temporary faculty assignments, extend the time frame for compliance to July 1, 2017, and make compliance with the provisions a condition of receiving funds allocated for the Student Success and Support Program in the annual Budget Act.*

*To the extent that this bill would impose new duties on community college districts, it would constitute a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law creates the Los Angeles County Metropolitan Transportation Authority with specified powers and duties relative to transportation planning, programming, and operations in the County of Los Angeles. The authority is governed by a 14-member board of directors, including the Mayor of the City of Los Angeles, 2 public members and one Los Angeles City Council member appointed by the mayor, 4 members appointed from the other cities in the county, the 5 members of the board of supervisors, and one nonvoting member appointed by the Governor.~~

~~This bill would restructure the board of directors to include the Mayor of the City of Los Angeles, 2 Los Angeles City Council Members, 2 public members who are residents of the City of Los Angeles, the Mayor of the City of Long Beach, 5 mayors or city council members from the other cities in the county, 2 members of the board of supervisors appointed by that board, and one nonvoting member appointed by the Governor. The bill would require the Mayor of the City of Los Angeles to appoint the 2 members of the Los Angeles City Council and one public member, and would require the President Pro Tempore of the Senate to appoint the other public member from a list submitted by the mayor. The bill would require the Los Angeles County City Selection Committee to appoint 4 of the members from each of 4 specified sectors~~

~~representing the other cities within the county, and would require the Speaker of the Assembly to appoint the 5th representative of the other cities within the county, who may not reside in the same city as another member of the authority board at the time of appointment, from a list submitted by the Los Angeles County City Selection Committee.~~

~~By requiring the board membership to be restructured, the bill would thereby impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 87482.3 of the Education Code, as added  
2     by Assembly Bill 1690 of the 2015–16 Regular Session, is amended  
3     to read:

4     87482.3. (a) (1) ~~On~~As a condition of receiving funds allocated  
5     for the Student Success and Support Program in the annual Budget  
6     Act, on or after January July 1, 2017, community college districts  
7     that do not have a collective bargaining agreement with part-time,  
8     temporary faculty in effect as of January 1, 2017, shall commence  
9     negotiations with the exclusive representatives for part-time,  
10    temporary faculty regarding the terms and conditions required by  
11    subdivision (b). The parties shall negotiate these rights for  
12    part-time, temporary faculty.

13    (2) It is the intent of the Legislature that both of the following  
14    shall occur:

15    (A) The adoption of provisions in compliance with subdivision  
16    (b) shall be included as part of the usual and customary negotiations  
17    between the community college district and the exclusive  
18    representative for part-time, temporary faculty.

19    (B) (i) A community college district shall ~~meet the minimum~~  
20    standards established by this section *establish minimum standards*  
21    for the terms of reemployment preference for part-time, temporary

1 *faculty assignments* through the negotiation process between the  
2 community college district and the exclusive representative for  
3 part-time, temporary faculty. *These standards shall include all of*  
4 *the following:*

5 ~~(b) (1) A community college district that enters into a collective~~  
6 ~~bargaining agreement on or after January 1, 2017, shall comply~~  
7 ~~with all of the following:~~

8 ~~(A) Upon initial hire, and subsequently thereafter, a part-time,~~  
9 ~~temporary faculty member shall be evaluated pursuant to the~~  
10 ~~requirements of Section 87663.~~

11 ~~(B) After six semesters or nine quarters of service, exclusive of~~  
12 ~~summer and intersession terms, each part-time, temporary faculty~~  
13 ~~member who has not received a less-than-satisfactory evaluation~~  
14 ~~during the preceding six semesters or nine quarters of service shall~~  
15 ~~be placed on a seniority list for each assignment at each college~~  
16 ~~where he or she holds a current assignment during the seventh~~  
17 ~~semester or 10th quarter of service, irrespective of how many times~~  
18 ~~he or she has completed each unique assignment. The seniority~~  
19 ~~for all assignments shall be determined based on the first date of~~  
20 ~~hire at the applicable college. Seniority lists shall be by campus~~  
21 ~~unless otherwise locally negotiated between the community college~~  
22 ~~district and the exclusive representative for part-time, temporary~~  
23 ~~faculty.~~

24 ~~(C) For semester seven or quarter 10 and beyond, each~~  
25 ~~community college district shall endeavor to maintain the workload~~  
26 ~~equivalent that the part-time, temporary faculty member was~~  
27 ~~assigned during semester six or quarter nine, subject to all of the~~  
28 ~~following:~~

29 ~~(i) As new assignments become available due to growth or~~  
30 ~~attrition, these assignments shall be offered in seniority order to~~  
31 ~~those part-time, temporary faculty members who have qualified~~  
32 ~~to be placed on the seniority list pursuant to subparagraph (B), and~~  
33 ~~previously successfully completed that same assignment. These~~  
34 ~~assignments may be made up to a maximum annualized load,~~  
35 ~~exclusive of summer and intersession terms, in the range of 60 to~~  
36 ~~67 percent of a full-time equivalent load.~~

37 ~~(ii) In cases where a reduction in assignment needs to occur due~~  
38 ~~to program needs, budget constraints, or more contract faculty~~  
39 ~~hires, the reduction shall occur first from among those part-time,~~  
40 ~~temporary faculty members who have not yet qualified to be placed~~

1 on the seniority list, and thereafter in reverse seniority order, with  
2 the least senior part-time, temporary faculty member reduced first.  
3 Any rights to a certain workload equivalent shall be maintained  
4 for a period of 18 months. In cases of class cancellation due to low  
5 enrollment, faculty members shall displace faculty members who  
6 are lower than they are on the seniority list, if the class cancellation  
7 occurs prior to the first class meeting day.

8 (iii) Each new assignment successfully completed shall be added  
9 to the part-time, temporary faculty member seniority list.

10 (D) Procedures governing refusal or rejection of offered  
11 assignments, diminution or loss of seniority rights, and additional  
12 leave or break-in-service provisions shall be locally negotiated  
13 between the community college district and the exclusive  
14 representative for part-time, temporary faculty.

15 (E) In cases where a part-time, temporary faculty member,  
16 subsequent to qualifying to be placed on the seniority list, receives  
17 a less-than-satisfactory evaluation, as that term is defined in the  
18 collective bargaining agreement between the community college  
19 district and the exclusive representative for part-time, temporary  
20 faculty, the faculty member shall be provided a written plan of  
21 remediation with concrete suggestions for improvement. The  
22 faculty member shall be evaluated again the following semester.  
23 If the outcome of this subsequent evaluation is also less than  
24 satisfactory, the faculty member shall lose all seniority rights, and  
25 may be dismissed at the discretion of the district. Appeal and  
26 grievance rights and procedures, if any, shall be subject to local  
27 collective bargaining.

28 (F) In all cases, part-time faculty assignments are temporary in  
29 nature, contingent on enrollment and funding, and subject to  
30 program changes, and no part-time faculty member has a  
31 reasonable assurance of continued employment at any point,  
32 irrespective of the status, length of service, or reemployment  
33 preference seniority of that part-time, temporary faculty member.

34 (2) (A) A community college district that has a collective  
35 bargaining agreement in effect as of January 1, 2017, that has  
36 provisions in place that require implementation of all of the  
37 following, and executes a signed written agreement pursuant to  
38 subparagraph (B), shall be exempt from this subdivision upon the  
39 expiration of that agreement:

1 (i) ~~Part-time, temporary faculty assignment based on seniority~~  
2 ~~up to the range of 60 to 67 percent of a full-time equivalent load.~~

3 (ii) ~~A regular evaluation process for part-time, temporary faculty.~~

4 (iii) ~~Due process for termination once a part-time, temporary~~  
5 ~~faculty member has qualified for the negotiated provisions.~~

6 (B) ~~A written agreement, confirming that provisions requiring~~  
7 ~~the implementation of clauses (i) to (iii), inclusive, have been~~  
8 ~~included in a collective bargaining agreement in effect as of~~  
9 ~~January 1, 2017, shall be signed by the exclusive representative~~  
10 ~~for part-time, temporary faculty and the community college district,~~  
11 ~~who are subject to that agreement, in order for the district to be~~  
12 ~~exempt from this subdivision pursuant to subparagraph (A).~~

13 (I) *The length of time part-time, temporary faculty have served*  
14 *at the community college or district.*

15 (II) *The number of courses part-time, temporary faculty have*  
16 *taught at the community college or district.*

17 (III) *The evaluations of temporary faculty conducted pursuant*  
18 *to Section 87663 and other related methods of evaluation that can*  
19 *reliably be used to assess educational impact of temporary faculty*  
20 *as it relates to student success.*

21 (IV) *The availability, willingness, and expertise of part-time,*  
22 *temporary faculty to teach specific classes or take on specific*  
23 *assignments that are necessary for student instruction or services.*

24 (ii) *Additional standards may be considered and established*  
25 *through the negotiation process, as necessary.*

26 (iii) *Standards established pursuant to clause (ii) shall reflect*  
27 *the processes and procedures for both of the following:*

28 (I) *Assigning part-time, temporary faculty to teach courses or*  
29 *staff nonclassroom assignments.*

30 (II) *Evaluating part-time, temporary faculty.*

31 (b) *As a condition of receiving funds allocated for the Student*  
32 *Success and Support Program in the annual Budget Act and except*  
33 *as provided in subdivision (d), a community college district*  
34 *described in paragraph (1) of subdivision (a) and the exclusive*  
35 *representative of the part-time, temporary faculty shall negotiate*  
36 *in good faith all of the following:*

37 (I) *The terms of reemployment preference for part-time,*  
38 *temporary faculty assignments based on the minimum standards*  
39 *up to the range of 60 to 67 percent of a full-time equivalent load.*

40 *These terms shall also contain policies for termination, including,*

1 *but not limited to, the evaluation process negotiated pursuant to*  
2 *paragraph (2).*

3 *(2) A regular evaluation process for part-time, temporary faculty*  
4 *pursuant to the requirements of Section 87663.*

5 *(c) A community college district that has a collective bargaining*  
6 *agreement in effect as of July 1, 2017, that has satisfied the*  
7 *requirements of subdivision (b), and that executes a signed written*  
8 *agreement with the exclusive representative of the part-time,*  
9 *temporary faculty acknowledging implementation of subdivision*  
10 *(b), shall be deemed to be in compliance with this section while*  
11 *the bargaining agreement is in effect.*

12 *(d) In all cases, part-time faculty assignments shall be temporary*  
13 *in nature, contingent on enrollment and funding, and subject to*  
14 *program changes, and no part-time faculty member shall have*  
15 *reasonable assurance of continued employment at any point,*  
16 *irrespective of the status, length of service, or reemployment*  
17 *preference of that part-time, temporary faculty member.*

18 ~~SECTION 1. It is the intent of the Legislature that the members~~  
19 ~~of the Board of Directors of the Los Angeles County Metropolitan~~  
20 ~~Transportation Authority representing the County of Los Angeles;~~  
21 ~~the City of Los Angeles, and the 87 other cities in the County of~~  
22 ~~Los Angeles be appointed in a manner that ensures a close~~  
23 ~~approximation to the ratio of populations of the respective~~  
24 ~~jurisdictions to the county's total population.~~

25 ~~SEC. 2. Section 130051 of the Public Utilities Code is amended~~  
26 ~~to read:~~

27 ~~130051. The Los Angeles County Metropolitan Transportation~~  
28 ~~Authority consists of 14 members, as follows:~~

29 ~~(a) Two members of the Los Angeles County Board of~~  
30 ~~Supervisors, appointed by that board of supervisors.~~

31 ~~(b) The Mayor of the City of Los Angeles.~~

32 ~~(c) Two members of the City Council of the City of Los Angeles~~  
33 ~~appointed by the Mayor of the City of Los Angeles.~~

34 ~~(d) One public member, who shall be a resident of the City of~~  
35 ~~Los Angeles, appointed by the Mayor of the City of Los Angeles.~~

36 ~~(e) One public member, who shall be a resident of the City of~~  
37 ~~Los Angeles, appointed by the President Pro Tempore of the Senate~~  
38 ~~from a list of candidates submitted by the Mayor of the City of~~  
39 ~~Los Angeles.~~

40 ~~(f) The Mayor of the City of Long Beach.~~

~~(g) Four members, one from each sector, each of whom shall be a mayor or a member of a city council, appointed by the Los Angeles County City Selection Committee. For purposes of the selection of these four members, the County of Los Angeles, excluding the City of Los Angeles and the City of Long Beach, shall be divided into the following four sectors:~~

- ~~(1) The North County/San Fernando Valley sector.~~
- ~~(2) The Southwest Corridor sector.~~
- ~~(3) The San Gabriel Valley sector.~~
- ~~(4) The Southeast sector.~~

~~The League of California Cities, Los Angeles County Division, shall define the sectors. Every city within a sector shall be entitled to vote to nominate one or more candidates from that sector for consideration for appointment by the Los Angeles County City Selection Committee. A city's vote shall be weighted in the same proportion that its population bears to the total population of all cities within the sector.~~

~~The members appointed pursuant to this subdivision shall be appointed by the Los Angeles County City Selection Committee upon an affirmative vote of its members which represent a majority of the population of all cities within the county, excluding the City of Los Angeles and the City of Long Beach.~~

~~The members selected by the city selection committee shall serve four-year terms with no limitation on the number of terms that may be served by any individual. The city selection committee may shorten the initial four-year term for one or more of the members for the purpose of ensuring that the members will serve staggered terms.~~

~~(h) If the population of the City of Los Angeles, at any time, becomes less than 35 percent of the combined population of all cities in the county, the position of one of the members appointed pursuant to subdivision (c) or (d), as determined by the Mayor of the City of Los Angeles, shall be vacated, and the vacant position shall be filled by appointment by the city selection committee pursuant to subdivision (g) from a city not represented by any other member appointed pursuant to subdivision (g).~~

~~(i) One mayor or city council member appointed by the Speaker of the Assembly from a list submitted by the Los Angeles County City Selection Committee that contains two or more candidates from each sector in subdivision (g). The Los Angeles County City~~



1 ~~Selection Committee shall submit a list of candidates to the Speaker~~  
2 ~~of the Assembly until the appointment is made. At the time a~~  
3 ~~member is appointed pursuant to this subdivision, the member~~  
4 ~~shall not reside in the same city as another member of the authority.~~

5 ~~(j) One nonvoting member appointed by the Governor.~~

6 ~~SEC. 3.~~

7 *SEC. 2.* If the Commission on State Mandates determines that  
8 this act contains costs mandated by the state, reimbursement to  
9 local agencies and school districts for those costs shall be made  
10 pursuant to Part 7 (commencing with Section 17500) of Division  
11 4 of Title 2 of the Government Code.